

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE: JOHNSON & JOHNSON)	MDL NO. 2738 (FLW) (LHG)
TALCUM POWDER PRODUCTS)	
MARKETING, SALES PRACTICES,)	
AND PRODUCTS LIABILITY LITIGATION)	
)	
)	
This Document relates to:)	
Joselina Hernandez)	
CASE 3:16-md-02738-FLW-LHG)	

MOTION TO SUBSTITUTE PARTY PLAINTIFF

Counsel, pursuant to Rule 25(a)(1) of the Federal Rules of Civil Procedure, moves this Court for an order substituting Andres Rivas on behalf of his deceased wife, Joselina Hernandez.

1. Joselina Hernandez filed a products liability lawsuit against Defendants on September 13, 2021.

2. Subsequently, after filing the lawsuit, plaintiff's counsel was notified that Joselina Hernandez died on April 7, 2022.

3. Joselina Hernandez' products liability action against Defendants survived her death and was not extinguished.

4. Plaintiff filed a Notice and Suggestion of Death on December 29, 2023.

5. Andres Rias, surviving heir and husband of Joselina Hernandez, is a proper party to substitute for plaintiff-decedent Joselina Hernandez and has proper capacity to proceed forward with the surviving products liability lawsuit on her behalf, pursuant to Fed. R. Civ. P. 25(a)(1). "If a party dies and the claim is not extinguished, the court may

order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative."

Based on the foregoing, Andres Rivas requests that this Court grant his request for substitution as plaintiff in this action.

Dated: December 29, 2023

Respectfully submitted,

By: /s/ Ethan L. Shaw
Ethan L. Shaw
John P. Cowart
SHAW COWART, L.L.P.
1609 Shoal Creek Blvd., Suite 301
Austin, Texas 78701
Telephone: (512) 499-8900
Facsimile: (512) 320-8906
elshaw@shawcowart.com
jcowart@shawcowart.com

Attorneys for the Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on December 29, 2023, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record

/s/ Ethan L. Shaw
Ethan L. Shaw